

**MINUTES  
NORTH LEBANON TOWNSHIP BOARD OF SUPERVISORS  
INFORMATIONAL STORMWATER MANAGEMENT  
PUBLIC MEETING  
MAY 7, 2018**

An advertised Stormwater Management and Fee Study informational public meeting was held on Monday, May 7, 2018 at 6:30 PM at the Municipal Building located at 725 Kimmerlings Road, Lebanon, PA with the following people present:

Richard E. Miller	Chairman
Edward A. Brensinger	Vice – Chairman
A. Bruce Sattazahn	Treasurer
Cheri Grumbine	Township Manager
Harold Easter	Chief of Police
Sol Fred Wolf	Henry & Beaver
Steve Sherk	Steckbeck Engineering
Dan Cannastraci	Steckbeck Engineering

Admin Ass't Lori Books, Bonnie Grumbine, Molly Finley, Michelle Miller and Theresa George, Twp employees, as well as many individuals of the public were in attendance.

**PLEDGE OF ALLEGIENCE** was repeated to open the public meeting.

**Chm Dick Miller** thanked the public for attending this meeting. He explained the procedure that was to be followed for this evening's agenda. Dan Cannistraci and Steve Sherk, SESI representatives, will be providing a brief history of the stormwater ordinance and the MS4 program. At this point he asked Sol Wolf to begin the meeting.

**INTRODUCTORY COMMENTS** – Sol Wolf

Sol Wolf reviewed the history of the Stormwater program and the meetings/ workshops that have been held recently. He explained the material that is expected to be covered tonight. Sol Wolf turned the presentation over to Dan Cannistraci and Steve Sherk of Steckbeck Engineering.

**PRESENTATION** - MS4 Regulations and Stormwater Management Fees:

**Dan Cannistraci – Engineer; Steve Sherk - Engineer**

Dan of Steckbeck Engineering & Surveying, Inc reviewed with the Public the history of this stormwater mandate and the drafting of a proposed Ordinance as well as the MS4 Program. Part of the process used was the review of the Township's stormwater needs vs the fees that would be needed to cover the costs for any proposed projects. The MS4 program is a continually evolving program with new State mandates being provided to the municipalities. All potential sources of concentrated flows are now being included in the MS4 program in an attempt to regulate them. It is no longer just stormwater drains and inlets. The very beginning of this subject came about with the Clean Water Act of 1972, which involved cleaning up the of polluted waters. A waiver is not an option for North Lebanon Twp as we are too large in population. NLT also contains too many impaired waterways feeding to larger water bodies. Impairment studies are completed periodically throughout the permit cycle.

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Dan provided a power point to show some of the issues and problems that led to the creation of the MS4 program and is related to the Clean Water Act. The presentation gave a lot of information and statistics used when proposing/creating this program. He said the Federal government has delegated the MS4 program to the State level. A major component of this program is the measuring of total suspended solids.(TSS). TSS is anything that enters the waterways such as soil, dust, debris etc. The 10% total reduction of TSS, by all permittees, is expected to be completed by 2023.

Dan stated the new 5-yr cycle permit from the EPA, effective 3/2018, has many new requirements that the previous 5-yr permit did not contain. The current permit calls for a 10% reduction in Total Suspended Solids by 2023 (the end of the permit cycle). The problem is how to accomplish the projects this is going to entail and the costs of these projects. Part of achieving this process are the Best Management Practices that provide stormwater guidelines for newer developments or new construction sites. Some of these practices include retention basins, bio-retention/ wetlands (controls sediments releases), vegetated swales (filter pollutants) and streambank restorations. North Lebanon Twp has been working with BMPs for subdivision/Land Development Plans and new construction which are being proposed within recent years.

A tool for accomplishing these mandates is the formation of the Lebanon County Stormwater Consortium. The Consortium consists of Annville Twp, Cleona Borough, Lebanon City, North Cornwall Twp, South Lebanon Twp and North Lebanon Twp. Collaboration will afford some Grant possibilities. This Consortium will provide assistance to the member municipalities in that the overall accomplishments of the Consortium will count toward all 6 municipalities' requirements as each project is completed within this 5-yr permit.

Act 62 of 2016 gives local municipalities, like NLT, the option of charging a fee to help finance some of the required mandates. When researching the list of projects and the costs of the combined projects, some type of fee schedule had to be devised. It was decided to join a Consortium. The Consortium will be administering the bidding and design processes for the construction of the BMPs required in this permit cycle. Lebanon County Redevelopment Authority will be administering agent for the Lebanon County Consortium.

The Supervisors have held several Workshop meetings to discuss what the stormwater needs are for NLT and the options that have been provided to them in the Stormwater Management Fee Study prepared by Dan and Steve (SESI). The program was broken down to 2 options, base services, which would be the bare minimum to meet the requirements described by DEP/ EPA, and Additional Services. The Additional Services would include all Base Services plus allow the municipality to include any additional services or for additional costs associated with construction of projects. After careful consideration, the Supervisors decided they would choose the Base Services and set a cap of \$50,000 for Additional Services. These additional services would be reviewed and determined as the 5-yr permit progresses. Credits will be an important part of this process as anyone who receives Credits approval means the funds will have to be made up in other ways to cover all costs.

A proration or formula was established to rate the properties into Equivalent Residential Unit (ERU) or Non- Equivalent Residential Unit (Non-ERU). After calculating the impervious amount of area on a single family residential area, a total of average was determined to be 3755 sq feet of impervious area for a single unit (1 ERU). Anything over the 3775 sq feet is considered multiple ERUs. Some examples would be a church, a farm, large business areas etc.

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After considering all the information discussed during the scheduled Workshops, the Supervisors have tentatively set the annual fee at \$40.14 per Equivalent Residential Unit (ERU). Dan mentioned a variety of other ERU determined fees set by municipalities.

A Credit Manual & Appeals process will be an option for anyone who has current updated stormwater facilities associated with their properties. The non- ERU properties can seek these credits and appeals. The Board has decided to schedule a separate meeting to explain and hear comments and/or questions on the credit and appeal process. The meeting has been scheduled for May 31, 2018 @ 7pm.

Dan concluded his remarks saying the degradation of waterways is the problem and the ones who have determined there is a problem have decided what should be done to correct the problem. In making that determination mandates have been adopted to get the problem corrected by the municipalities.

Sol Wolf instructed the public to raise their hand to be recognized and state their name for the record prior to offering a comment and/or question.

### **COMMENTS FROM PUBLIC**

**Alfred Brandt – Brandthaven Dr** questioned if his understanding is correct that the ERUs are based on all impervious surfaces on the property, such as a driveway. He was told that is correct. Brandt next questioned non-paved driveways and was told DEP considers those to be impervious also. Their reasoning is that paving could be completed and not reported, which would then be non-pervious. Brandt next questioned what if the Twp refuses to comply with these mandates.

**Steve Sherk** answered that question by explaining the State approves the NPDES permit for the Twp. This is the permit that allows for construction and development within the Twp. The State can revoke the current permit and the Twp could and most likely would face financial retribution. Refusal of the Twp to comply could result in the NPDES permit being revoked. He said the State is taking this MS4 program and its mandates very seriously.

**David Hostetter – Prescott Dr** asked how a property is determined residential. Is it a total of 3755 sq feet? Or if a property is a residential property but exceeds the 3755 sq feet, is it still considered 1 ERU ?

**Dan** told Hostetter the distinction of residential or non-residential is pulled the Tax Assessment code on the property. There are properties that will be below 3755 and some that will exceed the 3755 sq feet. If the tax code is residential, the property will be deemed 1 ERU.

**Steve** mentioned the Tax Assessment code classification of a farmette or an Ag property would make a difference in the ERU count.

**Sara Fuller – Woodridge Ct** said she is wondering what input the Twp had for the Consortium projects and/ or fees.

**Dan** explained the drafted project list was created and voted on by all 6 municipalities (1 representative from each municipality). The panel will have equal input on all project votes.

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**S. Fuller** asked if all fees collected from NLT residents will be kept for NLT stormwater projects.

**Dan** replied any monies collected as part of the stormwater fee is mandated for use for stormwater management related expenses.

**S. Fuller** questioned if the fee, once set, will remain stable and not increase.

**Dan** replied he would be hopeful that it would remain stable for the 5-yr cycle but in all reality probably not. Part of the reasoning being we do not know what future permit cycles will mandate for the municipalities.

**Suv Brensinger** told the Public that by being a part of the Consortium, each municipality will receive credit for all projects completed by the Consortium members. All 6 members will receive credit for each project completed. It makes the expectations of DEP a little easier to accomplish.

**S. Fuller** asked if the existing stormwater basins already in development will receive any type of credit. Would the property owner(s) be eligible to apply for credits?

**Dan** replied only the property owner with the basin contained on their property would be eligible to apply for a credit. The owner is the only one who can control the management of the basin.

**S. Fuller** next questioned who is responsible for inspections of the maintenance for these basins. In the planned communities, is it the Homeowners' Association? And if so, doesn't the Association fee charged cover the maintenance of the stormwater facilities being discussed?

**Dan** replied each home owner will be responsible for their individual stormwater fee, planned community or not.

**Steve** added the HOA could be eligible to apply for credits which would reflect on the HOA's (common areas) stormwater costs.

**S. Fuller** asked about the Credits. She also asked about non-payments of the stormwater fee.

**Dan** said the line item marked for non-payment covers the loss of revenue from property owners that apply for and receive Credits. The lost revenue needs to be picked up somewhere.

**Corey McCue – Loretta Dr** questioned if a retention basin is located on your property, could it be used as an exemption from the stormwater fee.

**Dan** replied it would depend on the type of BMP.

**C McCue.** asked if Grants are applied for and received by the Consortium, would the annual fees be reduced?

**Sol Wolf** stated any Grant funding applied for and received would allow the Twp some flexibility to complete additional stormwater services not necessarily planned. Grants could also be used to reduce the annual General Budget expenses.

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**S. Fuller** asked if the \$40.14 fee per ERU would be for the entire 5-yr permit cycle.

**Suv Miller** replied for right now the figure of \$40.14 is being suggested. Should project costs and/or expenses be driven, the Board has the flexibility to change the fee, if needed.

**Dan** told the Public the Supervisors and the Engineers are committed to the stability of the \$40.14 amount for the 5-yr term. It is a new program and there are unexpected situations that could arise at any time which could affect the annual fee.

**Ann Pinca – Cloverfield Dr** questioned if the project list has been decided and if so will there be notice given to the residents of what the projects are going to be?

**Suv Miller** said a list has been drafted but as of now no decisions have been made.

**Steve** explained the Consortium as a group had submitted a project list to DEP. This prioritized list is still being reviewed. To read information on the projects listed and the updates, the Consortium minutes can be read online. Approval from DEP on the project list has not yet been received.

Stability of the fee for this 5-yr permit cycle will remain to be subject to the bidding of the projects and that will determine the costs/expenses. Steve said he gives the Supervisors credit for trying to create a slight buffer on the costs of the projects.

**Mgr Grumbine** stated the minutes from the Consortium meetings can be read on the Lebanon County Redevelopment website, as they are the administrators of the program.

**Todd Dissinger – Oak Ln** questioned the amount of sediment debris that is mandated to be removed during the 5-yr permit and how is it measured?

**Suv Brensinger** replied there is no knowledgeable answer to that question.

**Dan** agreed, saying the calculations vary dependent on the project. It is not a measurement being used so much as calculations that will be used.

**T. Dissinger** asked if stone surfaces are considered impervious?

**Dan** stated stone is considered impervious, according to DEP. The reasons, according to DEP, possible paving could be done and not reported. Also, after a period, the stone compacts from being driven on.

**T. Dissinger** asked about BMPs. Anytime a stormwater facility is constructed on a property, the owner could then apply for a Credit after completion of the construction. He was told, yes, that is correct.

**Tom Guares - Sandhill Rd** stated he has tried for years to get the Twp to fix the stormwater runoff from Sandhill Rd. He has been contending with the problem the whole time he is living there. He said if this fee is mandatory he hopes the Twp does a better job of fixing the stormwater runoff problems that exist.

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**Sol Wolf** said the fee is designed to deal with projects that are on the list from the Consortium. The fees are not for long standing stormwater runoff problems.

**Jere Putt – Jay St** told the Board he is aware that not all municipalities are being mandated to adopt these Stormwater Ordinances. Why?

**Dan** replied it is population driven and some areas are permitted to apply for a waiver due to small population numbers.

**Scott Artz – Water St** questioned once these fees are enacted and paid, where does the money go?

**Dan** said the money will go to the Consortium, as a collective group. The Consortium will use the money to accomplish the listed projects.

**S. Artz** asked about new house construction that has a BMP as part of the construction, is that acceptable for 100% credit? Also, are AG pits and/or outbuildings eligible for Credits?

**Dan** replied BMP improvements are listed for Credits, but AG pits are not on the approved list. He said in general, new construction projects with new BMPs could be approved for a Credit.

**Scott** next questioned the projects on this project list, are we able to provide the opportunity for the work to local businesses? Does the work have to be provided for outside bidders?

**Sol Wolf** replied project specifications and/or requirements are drafted and anyone who can meet the requirements and submits the lowest bid will be awarded the work.

**Suv Miller** explained the Twp must follow a certain procedure of bid requirements. We are not able to restrict to local businesses, only, as we are trying to get the best bid possible from anyone who chooses to submit a bid.

**Bill Simpson – Emma Rd** referred to farm outbuildings again. If they are constructed to drain into existing BMPs, is that something considered for credits? He questioned if there is a document somewhere that shows what number of ERUs is assigned for the properties? He was told to look on the Twp website for a complete listing of all properties within the Twp and the ERU count along with anticipated fees for each property.

**Dan** replied it would have to be reviewed under the Credit process to receive a yes or no. The Credit procedure can be viewed on the Township website. ([www.northlebanontwpp.gov](http://www.northlebanontwpp.gov))

**David Hostetter** voiced questions about the school district. Does that mean the school taxes will be increased to cover these expenses for stormwater fees?

**Suv Miller** responded saying Ebenezer Elementary is not an old construction and has newer BMPs. Union Canal Elementary was recently approved for new and upgraded stormwater improvements. Cornwall-Lebanon could apply for Credits on the new BMPs for the schools located in NLT.

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**Keith Hartman – N 7<sup>th</sup> St** asked who will be responsible for managing the projects on this list. A pond that captures waters and releases, is that considered a BMP?

**Dan** stated Lebanon County Redevelopment as administrator for the Consortium will be responsible. He said the pond described sounds like a consideration for a Credit.

**Terry Ruhl – Garden Ave** questioned what fees the other municipalities in the Consortium have decided on.

**Suv Miller** replied North Cornwall has set their annual fee at \$60, Lebanon City is at \$60, South Lebanon is set at \$26, and Annville and Cleona will be voting on their fees within the near future.

**S. Artz** questioned who determines what facilities that capture stormwater are acceptable and which ones are not acceptable?

**Dan** answered Steckbeck's office will determine by using guidelines provided by DEP that were used when completing the Stormwater Management Manual.

**S. Artz** asked what BMP offers the best value for the bucks, in DEP's determination? When he suggested streambank restoration, Dan agreed saying, yes, it would probably be streambank restoration.

**Pete Wengarter – Jody Ave** spoke about stormdrains located on his property. As his yard is acting as a "catch" for stormwater and the water is eventually released, is he eligible for a Credit? He was told possibly.

**S. Fuller** questioned the approved Credits. Is the approval something that must be applied for annually? Or once per 5-yr permit cycle?

**Dan** told her the application and approval is once and done for the property. He noted the Credit allocation set by the Supervisors is a very generous amount.

**Lori Yancy – Ebenezer Rd** asked about a 3-unit apartment facility. Does that equal 1 ERU or 1 ERU per unit?

**Dan** said that question would be answered once the impervious area is measured and calculated.

**Jim Cikovic – Lake Dr** asked who compiled the acceptable BMP practices. He was told DEP. His next question is the AG preservation and features already in place for the preservation. Does the property owner just "eat it", the expenses already invested in stormwater? Another question is about the \$65,000 cap, what happens when that amount is used up?

**Dan** replied the Supervisors will decide at that time what they wish to do with the cap of \$65,000.

**Suv Dick Miller** replied once the amount is gone, the Credits stop. Suv Miller repeated that a meeting is planned for May 31<sup>st</sup> regarding the application for Credits and appeal process will be discussed and explained more thoroughly.

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**J. Cikovic** referred to several AG properties he owns. Will he be able to apply for Credits for each farm property he owns or is he limited to one application as the property owner of several farms?

**Dan** stated that each Credit application and appeal will be decided on a per property basis.

**S. Artz – Water St** questioned the properties that have existing retention basins. Is the Consortium credited for those basins?

**Dan** answered only the BMPs constructed after 2017 would be credited to the Consortium. Any prior to 2017 will not be accepted as a credit for the Consortium.

### **COMMENTS FROM BOARD MEMBERS**

**Suv Brensinger** said he had a few thoughts to share. He said as a farmer he realizes he will be paying for additional ERUs. He has owned his property since 1977 and has not done any updates with stormwater. Therefore, he will not be eligible for any Credits. During this entire process he has had a concern for the farmers and the large businesses having several buildings and/or impervious surfaces. Part of the issue he has is that he is aware that PaDOT and the Naval Depot, to mention a few, are not paying these fees. So once again, how is it that PaDot gets away with not following their own requirements. If nothing else, we should consider that we are trying to make a better future for our children and grandchildren. He said the Board tried to decide on what is fair, for everyone, as much as possible.

**Suv Sattazahn** said he has nothing new to add to what has been discussed already.

**Suv Miller** extended his thanks to all in attendance for their participation and attention to what was being discussed. He reminded everyone that a Consortium meeting will be held 5/15/2018 at 10 am on Mifflin St and the meeting is open to the public. Also, a reminder that a lot of information can be found online on the Twp website, the Twp office and the Lebanon County Redevelopment website.

Suv Miller told the Public regardless of how the Federal and State government works, local government tries their hardest to make things work. All efforts will be made to assist the public while navigating through this entire process.

Meeting Adjourned.  
Respectfully Submitted,

Theresa L. George  
Recording Secretary